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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RANDY MURPHY,

No. C 04-03062 TEH

Plaintiff,

v.

**NOTICE RE BATSON CHALLENGE**

CITY OF OAKLAND,

Defendant.

Having considered the arguments of counsel, the Court is strongly inclined to sustain the Plaintiff's *Batson* challenge to jurors nos. 2 and 3 but will defer making a final ruling until the Court resumes tomorrow at 8:30 a.m. In the event the Court sustains the *Batson* challenge, it will grant a mistrial, excuse the jury, and commence a new jury selection on Thursday, November 17, 2005. Counsel for Plaintiff shall come prepared, however, to address whether Plaintiff would prefer to proceed with the trial as scheduled with the current jury.

**IT IS SO ORDERED.**

Dated: November 15, 2005



THELTON E. HENDERSON  
UNITED STATES DISTRICT JUDGE

**United States District Court**

For the Northern District of California

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